

REMARKS

This application has been reviewed in light of the Office Action dated July 10, 2007. Claims 1, 7-9, 15, 19-27, 30, 31, 37, 38 and 49 are presented for examination. Claims 1, 15, 21, 31 and 49 are in independent form, and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1, 9, 15, 19-24, 27, 30, 31, 38 and 49 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 6,658,196 (Sakai et al.) and 5,721,856 (Takeuchi), taken in combination. In addition, Claims 7 and 25 were rejected under Section 103(a) as being obvious from those two patents in view of U.S. Patent 5,559,562 (Ferster), and Claims 8, 26 and 37, as being obvious from *Sakai* and *Takeuchi* in view of U.S. Patent 5,974,220 (Kajimoto).

Applicant wishes to thank the Examiner for kindly providing his detailed and very helpful comments at pages 2 and 3, elaborating on his analysis and application of the prior art, which Applicant has carefully studied in preparing these Remarks.

Independent Claim 1 is directed to an apparatus for processing information data recorded on a recording medium and playback description data indicating a playback procedure of the information data. The apparatus of Claim 1 comprises modified information data processing means for generating modified information data by using part of the information data designated in the playback procedure indicated by the playback description data. Description data processing means modify the playback procedure such that the modified information data and a remaining part of the information data other than the part of the information data are reproduced sequentially, and modify the content of the

playback description data according to the modified playback procedure. In this process, the modified information data are played back instead of the part of the information data in the modified playback procedure.

The playback description data comprises playback time information indicating a playback start time or a playback end time of the information data, and the description data processing means change the playback start time or the playback end time according to a playback time of the modified information data, and the description data processing means further generate restoration time information indicating an amount of change of the playback start time or the playback end time and add the restoration information to the playback description data. Also provided are recording means, for recording the modified information data and the playback description data including the playback time information and the restoration time information on the recording medium, and deleting means, for deleting the modified information data designated in the modified playback procedure indicated by the playback description data from the recording medium in response to a deletion instruction. Also, according to Claim 1, the description data processing means restore the playback procedure such that the part of the information data and the remaining part of the information data are played back sequentially, change the content of the playback description data recorded on the recording medium according to the restored playback procedure in response to the deletion instruction of the modified information data, and change the playback start time or the playback end time included in the playback description data recorded on the recording medium according to the restoration information in the playback description data recorded on the recording medium

to restore the playback time information in response to the deletion instruction of the modified information data.

From the foregoing, it will be apparent that Applicant has not modified the scope of Claim 1, but has modified the language of that claim in an effort to make that language still clearer. Among other notable features of an apparatus constructed according to Claim 1, are the generation of restoration time information *indicating an amount of change of a playback start time or a playback end time of information data* according to a playback time of modified information data, and recording of the restoration time information together with the modified information data on a recording medium.

Also, in response to a deletion instruction to delete the modified information data from the recording medium, a playback procedure indicated by playback description data is restored so as to play back part of the information data instead of the modified information data. Further, in response to the deletion instruction to delete the modified information data from the recording medium, the playback start time or the play back end time are changed *according to the restoration time information*.

At pages 2 and 3 of the Office Action, the Examiner explains his analysis, according to which the *Sakai* system enables a user to edit video streams either by modifying editing points or changing an editing list. Thus, if a deletion of cuts recorded on the recording medium is performed, a corresponding editing list or description data could be edited accordingly. The Examiner also refers to *Takeuchi*, which provides a deleting means for deleting data, and considers that it is possible to obtain the features of Claim 1 from a combination of *Sakai* and *Takeuchi*.

Applicant respectfully points out, however, that Claim 1 recites more than just a structure to change playback description data in response to a deletion instruction of modified information data. Rather, that claim recites that according to a playback time of modified information data, the system *generates restoration time information* indicating amount of change of playback start and end time of the information data, and *stores the restoration time information together with the modified information data* in a recording medium.

Claim 1 further recites that, *in response to the deletion instruction* relating to the modified information data, the playback start time or the playback end time *is changed according to the restoration time information*.

Applicant strongly believes that neither of these features is to be found in *Sakai* or *Takeuchi*, or suggested by those documents, taken separately or in any possible combination, as follows: Neither *Sakai* nor *Takeuchi* even suggests anything at all like the feature of Claim 1 of generating restoration time information indicating amount of change of playback start time and end time of the information data according to the playback time of modified information data. At page 6, the outstanding Office Action asserts that such disclosure is present in *Sakai*, at col. 9, lines 36 and 37, and lines 57 and 58. This portion has again been carefully studied, and Applicant is unable to find any such disclosure. The cited portion of *Sakai* relates to the processing involved in creating a transition from one body of video data DM1 to another DM2, e.g., by means of a “wipe”:

“The system control circuit 15 causes the effector 8 to operate so that the video data DM2 from the data expansion circuit 24B will be output unmodified in periods other than a transition period T. In the transition period T, the video data DM1 and DM2 are assigned weights as per the weighting factors that are changed in keeping with the transition mode.

Specifically, in the case of a wipe wherein image boundaries change in the horizontal direction so that the cut 'a' is gradually replaced by the cut 'b,' the weighting factors of 0 and 1 set respectively for the video data DM1 and DM2 are switched to 1 and 0 at suitable points in time during the horizontal scan. The switching points are changed successively. This allows the system control circuit 15 to generate the video signal SV for the operator-designated preview without altering any material (see FIG. 4E).

“If the operator changes any transition period or transition mode in the preview, the system control circuit 15 updates accordingly the coded data in the memory 22. If necessary, another preview is performed by use of the updated contents. [Emphasis added]” Col. 9, lines 17-35.

According to this portion of col. 9 of *Sakai*, the operator may change the transition period or mode, and if this is done, the system control circuit 15 updates the coded data in memory 22 to reflect the change. As best understood, this appears to mean that the updated coded data is what is needed to perform the transition according to the changed period or mode. Applicant is unable to find in this portion of col. 9 any suggestion that circuit 15 (or anything else in the *Sakai* system) generates “restoration time information indicating an amount of change of the playback start time or the playback end time“, as is recited in Claim 1.

Nor does the following passage of *Sakai* seem to provide any such suggestion:

“If the operator designates finalization of the transition periods and transition mode, the system control circuit 15 instructs the effector 8 and other related circuits to merge the coded data of the two video signals, one being read out and held beforehand in the memory 22, the other being stored temporarily in the memory 22 upon reproduction at the time of the preview. The merging of the video data is performed for the transition periods T in the same manner as in the preview. The resulting video data from the effector 8 are recorded by the recording section under control of the system control circuit 15. That is, the system control circuit 15 causes the data compression circuit 7 to compress the video data from the effector 8 so as to generate the coded data. The coded data thus generated are recorded to the optical disk 1 in the same manner as in the recording of ordinary video signals. During the process, the

system control circuit 15 controls the operation of the recording section so that only the video data corresponding to the transition periods T will be written to the optical disk 1 (see FIG. 4F).

“In parallel with the above-described processing, the system control circuit 15 creates an editing list 30 describing the transition periods and transition mode finalized by the operator. [Emphases added]” Col. 9, lines 36-59.

From the comments at page 6 of the Office Action, it is understood that the Examiner is interpreting the above-italicized portion of *Sakai* (at col. 9, lines 36 *et seq.*) as meaning that the *Sakai* system temporarily holds information that corresponds to the restoration time information recited in Claim 1. It is submitted that such interpretation of *Sakai* is mistaken.

In this regard, it is noted that *Sakai* says specifically that the information that is “stored temporarily in the memory 22” is held there temporarily “at the time of the preview”. In saying that the information is stored “temporarily”, *Sakai* appears to mean that the information (presumably the coded data of one of the two bodies of video information DM1 and DM2) is held in memory 22 for the purpose of being merged with the coded data of the other body of video data once the operator designates finalization of the transition period(s) and mode, since such finalization is what is being discussed at lines 36 *et seq.*, where the statement about temporary storage is made. Even assuming that the information that is “temporarily stored” in memory 22 is held for the purpose of permitting restoration – and Applicant stresses that *Sakai* does not say or provide any suggestion that that is the purpose – what is held temporarily in memory 22 is the pre-existing coded data of one of the bodies of video data, not specially-generated “restoration time information”, as is recited in Claim 1.

Applicant strongly believes that *Sakai* fails to suggest in any way the generation of such restoration time information, and certainly does not suggest storing such information or making the use thereof that is recited in Claim 1 (changing the playback start time and end time based on the restoration time information in a case where there is an instruction to delete modified information data).

Accordingly, even if *Takeuchi* is deemed to teach all that it is cited for, and even if it is assumed that the proposed combination thereof with *Sakai* would be a proper one, the result of such combination still would not have all the features recited in Claim 1. Accordingly, Claim 1 is believed to be allowable over those two patents, taken separately or in any permissible combination.

Independent Claim 15 is directed to an apparatus for processing playback description data indicating a playback procedure of information data recorded on a recording medium, where the playback description data contain an information data object having playback time information indicating a playback start time or a playback end time of the information data. That apparatus comprises instruction means, for modifying the playback procedure such that modified information data generated by using part of the information data designated in the playback procedure indicated by the playback description data and a remaining part of the information data other than the part of the information data are played back sequentially, the modified information data being played back instead of the part of the information data. Description data processing means are provided, for changing the playback start time or the playback end time indicated by the playback time information of the information data object according to a playback time of the modified information data, and adding *restoration time information indicating an*

amount of change of the playback start time or the playback end time to the information data object. The description data processing means add, according to the modified playback procedure, a modified information data object designating a playback operation of the modified information data to the playback description data. Recording means record the modified information data and the playback description data including the information data object and the modified information data object in the recording medium, and deleting means delete the modified information data from the recording medium in response to a deletion instruction. Moreover, the description data processing means, according to Claim 15, delete the modified information data object from the playback description data recorded on the recording medium to restore the playback procedure such that the part of the information data is played back instead of the modified information data in response to the deletion instruction of the modified information data, and *change the playback start time or the playback end time* included in the playback description data recorded on the recording medium *according to the restoration information* to restore the playback time information.

Claim 15 is believed to be allowable over *Sakai* and *Takeuchi*, taken separately or in any permissible combination, at least by virtue of the means that add the restoration time information, and the deleting means, that operate in part based on the restoration time information.

Independent Claim 21 is directed to a recording apparatus that comprises description data generating means, for generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data designated in the playback procedure indicated by the playback description data such that at

least one of the plurality of items of information data and the modified information data are reproduced sequentially, where the modified information data have a section on which the modification processing is not performed and a section on which the modification processing is performed. Section information generating means generate section information indicating the section where the modified information data processing has been performed in the modified information data, and recording means record the playback description data and the section information on a recording medium where the plurality of items of information data and the modified information data are recorded.

According to the Examiner's comments at pages 3 and 4 of the Office Action, compound items "X1", "b" and "X2" are to be taken as corresponding to "the modified information data" recited in Claim 21, and sections "a" and "d" can be considered as corresponding to the "plurality of items of information data" recited in that claim. Applicant does not agree with this analysis, for the following reasons.

First, the Examiner considers section "b" as "modified information data", even though he considers sections "a" and "d" as "a plurality of items of information data". Yet, X1 is generated by synthesizing a part of the section "a" and a part of the section "b" in Fig. 4B and is recorded as a totally different body of video data from materials a and b. That is, sections "a" and "b" are together used to generate X1. Applicant submits that it is inconsistent to consider only section "b" as "modified information data", and to consider "a" as being something else, as is done in this rejection. Moreover, this view, which treats sections "a" and "b" as being different in nature from each other, and which considers "b" to be "modified information data", seems unfounded to Applicant because, after all, as

Applicant pointed out in his previous Amendment, section “b” in Fig. 4G is *not* “modified information data”, because in fact section “b” is *not* modified.

Accordingly, Applicant submits that the outstanding rejection of Claim 21 is improper, and should be withdrawn.

Independent Claims 31 and 49 each correspond to Claim 1 or 21, respectively, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Finally, Applicant respectfully requests to conduct a telephone interview with the Examiner once the examiner has reviewed this amendment, and prior to the Examiner issuing another action.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully

requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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